

The meeting opened at 6:30 p.m.

Present were: Brown (Chair); Magenheim (Clerk); McDonough & Bargnesi (Members); Bordonaro & Oltman & Wilson (Associate Members). Rechisky arrived at 6:39 pm.

Petition No.: Z-14-135

Premises affected: 115 Corbett Street

Petitioner: Raleigh

Relief Requested: Special permit under Art. VIII, §3.3.5 &/or for a variance from Art. VIII, §4.1.2 to raze an existing single family dwelling & construct a new one on a lot that lacks the minimum required frontage

Present were: Brown (Chair); Magenheim (Clerk); McDonough & Bargnesi (Members); Bordonaro & Oltman & Wilson (Associate Members).

On December 17, 2014, the Board received a request from Attorney Mark Johnson on behalf of the applicant to withdraw the application without prejudice. Magenheim made a motion to withdraw the application without prejudice. McDonough seconded the motion & the Board voted (7-0) to withdraw the application without prejudice.

Petition No.: Z-14-185

Premises affected: 191 Holt Road

Petitioner: Black Hawk Development

Relief requested: special permit 3.3.5 &/or 3.3.7 &/or a variance 4.1.2 to raze & build a single family dwelling on a lot with insufficient area & frontage

Present were: Brown (Chair); Magenheim (Clerk); Bargnesi (Member); Bordonaro (for Boness) & Wilson (Associate Member).

Mike Tryder, of Black Hawk Development, presented the request for a variance from 4.1.2 &/or a special permit under 3.3.5 to raze an existing, non-conforming single family dwelling and to construct a new single family dwelling on a lot that lacks the minimum required frontage and area. The lot is in the SRB district, requiring a minimum of 30,000 sq. ft. of lot area with 150' of frontage. This lot has approximately 18,000 sq. ft. of area and 125' of frontage. The house has extensive water damage rendering the mechanical systems useless and damaging the foundation. The proposed house will conform to the setbacks and have a similar square footage of 4200 sq. ft.. Rob Bramhall, 15 Moreland Ave. rear abutter, voiced concern over the style & the height of the proposed dwelling. The proposed height is 34' from grade, with minimal foundation visible. Fill will be imported to improve drainage. Bramhall emphasized the change in the streetscape with the proposed house & suggested restricting the first floor elevation to minimize the height appearance at the streetscape. The lot does slope up to the right. The Board discussed the 10' height from the basement floor slab to 1st floor. While unusual, it allows for future finishing of the basement for living space. Tryder stated willingness to change the height. Bramhall pointed out that the 3rd floor level is inconsistent with the neighborhood's established character & would be detrimental if built as proposed. Jen Howard, 192 Holt Rd., agreed with Bramhall adding that the height of the proposed house would minimize sunlight casting onto her lot. Gabriella Yetton, 183 Holt Rd., owner of the abutting house renovated by Black Hawk Development, & Craig Burton, 195 Holt Rd. also spoke at the hearing. The Board felt that a site view would be helpful considering the concerns over the height & volume of the proposed house in relation to the character of the neighborhood. The Board will view the premises individually prior to the February 5th meeting. Brown asked Tryder to submit topographical information on the lot. Tryder expressed a willingness to consider modifications to the design to address the concerns of Bramhall and the other neighbors. Magenheim made a motion to continue the hearing to 2/5/15. Bordonaro seconded the motion & the Board voted (5-0) to continue the hearing to 2/5/15.

Petition No.: Z-14-186**Premises affected: 5 Lancaster Place****Petitioner: Roldan****Relief Requested: Special permit 3.1.3.F.4 to construct a family dwelling unit within the existing single family home****Present were: Brown (Chair); Magenheim (Clerk); McDonough & Bargnesi (Members); Wilson (Associate Member sitting in place of Boness); Oltman, Rechisky & Bordonaro were designated as Alternates.**

Rynan Roldan, owner, represented himself & his wife, who was also present. They want to create a family dwelling unit in the basement level of their 1950's split level home for Mr. Rynan's parents. There is an existing bathroom that would be enlarged, along with the addition of a kitchenette/living room and the creation of a bedroom. Access will be via the existing garage with the second egress via the rear patio door. The unit will increase safety for Mr. Roldan's wheel-chair bound father, who will occupy it with his wife. Ron Rappell, 8 Lancaster Pl., asked a procedural question about special permits. Rappell voiced his support. There being no other questions or comments from the Board or the public, Bargnesi made a motion to close the public hearing. Magenheim seconded the motion & the Board voted (5-0) to close the hearing. The Board then proceeded to deliberate the application.

McDonough made a motion to grant the special permit with the usual conditions for a family dwelling unit: 5 yr limit, renewably by application to the ZBA, to be occupied by Mr. Roldan's parents only, and non-transferable (cooking facility shall be removed prior to sale). Bargnesi seconded the motion & the Board voted (5-0) to grant the special permit with conditions. Wilson will write the decision.

Petition No.: Z-14-187**Premises affected: 216 Beacon Street****Petitioner: Whitley****Relief requested: special permit 3.3.5 &/or variance 4.1.2 add a rear deck that will not meet minimum rear setback****Present were: Brown (Chair); Magenheim (Clerk); Bargnesi & McDonough (Members); Rechisky (Associate Member, sitting in place of Boness); Oltman & Wilson (Associate Members / Alternates).**

Brian Milisci, engineer for Mr. Whitley, who was also present, gave an overview of the proposed 12'x16' rear deck. The existing home was built by variance for a 36' front setback (Decision No. 3884). The proposed rear setback from the deck would be approximately 23' (no proposed setback was shown on the plot plan submitted with the petition). The Board discussed what can be built by right, the location of the septic system as the hardship for the non-conforming front setback, cantilevering the deck, the location of the deck stairs, alternate locations / configurations for a deck, and its proximity to the septic system. Milisci explained that there is an existing 4'x4' landing with stairs off the rear kitchen door that they plan to use for the deck. Brown asked for a hardship. Milisci argued that the shape of the lot inhibits construction of a standard size deck & the height of the house does not allow for a patio off the kitchen. The deck will not be detrimental & the rear abutter is in support of it. The Board discussed the use of the existing kitchen door, the inconsistencies in the drawings & screening. Milisci requested time to speak with his client. Rechisky made a motion to table discussion until after the next hearing on the night's agenda. Magenheim seconded the motion & the Board voted unanimously to table discussion.

Petition No.: Z-14-188**Premises affected: 323 Lowell Street****Petitioner: Lupoli****Relief requested: variance from 5.2.5.1 to allow internal illumination of signage****Present were: Brown (Chair); McDonough (Acting Clerk); Oltman, Rechisky & Wilson (Associate Members, sitting in place of Magenheim, Bargnesi & Boness).**

Present on behalf of the petitioner were: Rick Friberg, Engineer with TEC; Joe Bevilaqua, Lupoli Cos. Jay Kahn, The Sign Center. Mr. Kahn gave an overview of the two signs that Lupoli Companies want to illuminate internally: one is building-mounted on Tower II facing Rt. 93 and the other is a free-standing sign facing Rt. 133. Kahn explained that the hardship relates to the position of the lot with the 70' wide swath of DOT land surrounding it, its wooded topography without direct access from Lowell Street with the surrounding road network & interchange requiring decreased time to communicate the location & entrance to the site. The Board discussed which elements of the signs would be internally illuminated, the hours during which they'll be lit and the intensity of the lighting. Kahn explained that they'll each have a photo cell / time clock and emit as little glare / lumens visible to the eye. The Board also discussed the existing monument signs owned by Hamilton Green Apts that will have reflective signs for the medical offices. There being no other questions or comments from the Board or the public, Wilson made a motion to close the public hearing. Oltman seconded the motion & the Board voted (5-0) to close the hearing. The Board then deliberated.

Brown & McDonough stated their support of granting a variance, noting that it is consistent with the neighborhood. Oltman made a motion to approve the variance for the internal illumination of the west-facing Tower II building mounted sign and the free-standing parking lot sign facing Rt 133. Wilson seconded the motion & the Board voted (5-0) to grant the variance. Brown will write the decision.

Petition No.: Z-14-187**Premises affected: 216 Beacon Street****Petitioner: Whitley****Relief requested: special permit 3.3.5 &/or variance 4.1.2 add a rear deck that will not meet minimum rear setback****Present were: Brown (Chair); Magenheim (Clerk); Bargnesi & McDonough (Members); Rechisky (Associate Member, sitting in place of Boness); Oltman & Wilson (Associate Members / Alternates).**

The Board returned to discussing the proposed deck. Milisci stated that his client is willing to decrease the size, but really wants a 12' deck. Mr. Whitley explained that the 12' will allow for furniture, a grill and people to fit on the deck. Placing a deck with a walkway around the house will require cutting a door in the side of the house & removal of a tree. There being no other questions or comments from the Board or the public, Bargnesi made a motion to close the public hearing. Rechisky seconded the motion & the Board voted (5-0) to close the hearing. The Board then deliberated. The Board noted that while the encroachment is de minimis, they prefer a smaller deck with a larger rear setback (25'). McDonough made a motion to grant a variance based on the hardship of lot shape with the condition that the deck has a minimum rear setback of 25'. Magenheim seconded the motion and the Board voted (5-0) to grant the variance with conditions. Rechisky made a motion to deny the special permit as moot. Bargnesi seconded the motion & the Board voted (5-0) to deny the special permit. Rechisky will write the decision.

Approval of Minutes

12/4/14 – Wilson made a motion to approve the minutes of 12/4/14. Oltman seconded the motion & the Board voted unanimously to approve the minutes.

Zoning Board of Appeals

January 8, 2015

Conference Room A, 3rd Floor, Town Office, 36 Bartlet St., Andover

11/3/11, 2/2/12, and 9/4/12 – Magenheim made a motion to approve the minutes of 11/3/11, 2/2/12, and 9/4/12. Rechisky seconded the motion & the Board voted unanimously to approve the minutes.

There being no other business of the Board, Magenheim made a motion to adjourn the meeting. Wilson seconded the motion & the Board voted unanimously to adjourn the meeting at 8:18 p.m.